

EXHIBIT 19

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4

5 KATHRYN SHIBER,

Plaintiff,

6 -against-

7 CENTERVIEW PARTNERS LLC,

Defendant.

8
9 1:21-cv-03649 (ER)
10

11 January 25, 2023

12 10:06 a.m.
13
14

15 DEPOSITION of KATHRYN SHIBER,
16 taken by Defendant, pursuant to Notice,
17 held at the offices of QUINN EMANUEL
18 URQUHART & SULLIVAN LLP, 51 Madison
19 Avenue, New York, New York before Wayne
20 Hock, a Notary Public of the State of New
21 York.
22
23
24
25

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ALSO PRESENT:

ANTON EVANGELISTA,

Videographer

AMANDA KOSOWSKY

* * *

1 K. Shiber

2 Q. Through June of 2020, so that
3 was during COVID that you were still
4 living in New Hampshire?

5 A. Yes.

6 Q. Did you graduate in June, 2020
7 from Dartmouth?

8 A. Yes, I graduated.

9 Q. So after you left the Orange
10 Court address and you went to -- did you
11 go straight to Belmont Avenue? That was
12 your next residence?

13 A. That was my next residence, yes.

14 Q. Okay.

15 And you went there in September
16 of 2021.

17 Did you move to the Belmont
18 address from the Orange Court location, or
19 were you living somewhere after Orange
20 Court before you went to live with your
21 cousin and her fiancé?

22 A. No, I was living at Orange Court
23 and then I went to live at the Belmont
24 address at that time.

25 Q. Why did you move to the Belmont

1 K. Shiber

2 against because of a disability; is that
3 correct?

4 A. Yes.

5 Q. What disability are you alleging
6 that you had while you were employed by
7 Centerview?

8 A. Anxiety disorder and mood
9 disorder.

10 Q. When were you diagnosed with
11 anxiety disorder?

12 A. In high school.

13 Q. Were you diagnosed by a medical
14 provider with anxiety disorder in high
15 school?

16 A. Yes.

17 Q. Do you recall that provider's
18 name?

19 A. No.

20 Q. Do you recall what year that
21 diagnosis was?

22 A. I don't recall the exact year.

23 Q. What caused you in high school
24 to inquire about a potential diagnosis or
25 to see a medical provider about a

1 K. Shiber

2 diagnosis?

3 A. I didn't see a provider
4 specifically seeking a diagnosis, but I
5 sought medical treatment for symptoms that
6 I was experiencing.

7 Q. What were those symptoms that
8 you were experiencing in high school?

9 MR. HELLER: Objection.

10 You can answer.

11 THE WITNESS: Specifically
12 related to anxiety or all of the
13 symptoms that I experienced in high
14 school?

15 Q. All of the symptoms that you
16 experienced in high school.

17 A. I experienced anxiety,
18 ruminating thoughts, headaches, migraines,
19 panic attacks, compulsive behaviors,
20 sensitivity to noise, sensitivity to
21 sound, trouble concentrating, fatigue,
22 trouble falling asleep, additional
23 physical symptoms that I can't recall but
24 common illnesses, colds, fevers, coughs,
25 mood swings, depression, low self-esteem.

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2 A. I recall that I was really
3 freaked out about the situation and I
4 thought, based on Tim's e-mail at 10:08, I
5 thought that he was implying that I was
6 not pulling my weight as a member of the
7 team and I was worried I had a negative
8 perception in his eyes and I expected,
9 based on him saying that "I shouldn't be
10 up alone working", that he would -- like
11 that he would expect me to work the hours
12 that he and Matt had worked that night.
13 And I was concerned about that because, as
14 I mentioned, I was concerned that working
15 until 8:00 a.m. would significantly
16 exacerbate the symptoms that I experienced
17 due to my disabilities, and so because of
18 that, we discussed that I might need an
19 accommodation or just some sort of -- that
20 it might be a good idea to reach out to HR
21 to understand more about the expectations
22 and see if I needed an accommodation.

23 Q. And what did your mom say during
24 that conversation?

25 A. She was comforting to my

1 K. Shiber

2 that medical disability by allowing you --
3 enabling you to sleep eight to nine hours
4 of sleep per night on a consistent sleep
5 schedule?

6 A. I was not asking Ms. Robinson to
7 help manage my disability. I have doctors
8 manage my disability.

9 Q. So what were you asking Ms.
10 Robinson to do during that meeting?

11 A. I was asking for her advice and
12 opinion as to whether there might be a
13 possible accommodation that would work for
14 the firm and avoid exacerbating the
15 symptoms of my medical disability.

16 Q. And when you told Ms. Robinson
17 that you require eight it nine hours of
18 sleep her night, she responded and was
19 extremely adamant that Centerview was
20 concerned about your health and that was
21 the firm's top priority; isn't that
22 correct?

23 A. That was one of my understanding
24 of her response.

25 Q. Did Ms. Robinson tell you that

1 K. Shiber

2 she was -- did Ms. Robinson convey or tell
3 you that she was extremely adamant that
4 Centerview was concerned about your health
5 and that was the firm's top priority?

6 A. Yes.

7 Q. Okay.

8 And what did Ms. Robinson --
9 what was your subsequent conversation with
10 Ms. Robinson with respect to your request
11 for an accommodation?

12 A. At what point in time?

13 Q. Well, let's go to the next
14 bullet point here that starts with, "later
15 that day".

16 You write, "later that day
17 Cheryl called me and suggested her idea of
18 the accommodations which were that she put
19 up guardrails such that I would be able to
20 have eight hours of sleep each night". I
21 think there should be a period there.

22 Do you recall Ms. Robinson
23 telling you that she had an idea that they
24 would put up guardrails that you would be
25 able to have eight hours of sleep each

1 K. Shiber

2 That's four hours of sleep;

3 correct?

4 What would the impact have been
5 on your health?

6 MR. HELLER: Objection.

7 THE WITNESS: On that one day
8 alone, I would have had -- I can't say
9 exactly what would have happened to
10 me. That's not happened, so I can't
11 say what would have happened to my
12 health if it did.

13 Q. But you agree that you require
14 eight to nine hours of sleep per night on
15 a somewhat consistent schedule in order to
16 manage your health; correct?

17 MR. HELLER: Objection.

18 THE WITNESS: In order to best
19 manage my disabilities and avoid
20 exacerbating the effects of them, I
21 maintain a lifestyle which includes
22 eight to nine hours of sleep per
23 night, on average.

24 Q. And if you don't maintain
25 consistent sleep for eight to nine hours,

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2 is that you provided it to Centerview, to
3 Ms. Robinson, in connection with your
4 request for her to help you; correct?

5 A. No, I don't think that's
6 correct.

7 Q. What's incorrect about what I
8 just said?

9 A. I don't think I provided it in
10 conjunction with my request for her to
11 help me.

12 Q. Why did you give this letter to
13 Ms. Robinson?

14 A. Once she had put in place this
15 guardrails approach during which -- which
16 set up a schedule of sleeping eight to
17 nine hours on a consistent basis, she
18 asked for medical documentation to support
19 that and I provided this document.

20 Q. So you would agree with the
21 contents of this document that if you are
22 not able to maintain a regular sleep
23 schedule, you are at significant risk for
24 exacerbation of your illness; is that
25 correct?

1 K. Shiber

2 A. Yes.

3 Q. And what does that mean,
4 significant risk for exacerbation of your
5 illness?

6 A. That means that the symptoms of
7 my disabilities are significantly
8 increased to even further impair my
9 day-to-day life and my work performance,
10 my relationship with others, and my
11 emotional condition, and all of the other
12 arenas that these symptoms impact me in.

13 Q. And it would have been
14 unreasonable for Centerview to disregard
15 the fact that you would be at a
16 significant risk for exacerbation of your
17 illnesses if you are not able to work --
18 if you are not able to have a consistent
19 eight to nine hours of sleep on a regular
20 sleep schedule; is that correct?

21 A. I can't say what's reasonable
22 for the firm to do.

23 Q. You can't say whether it's
24 reasonable for Centerview to disregard the
25 impact that not sleeping might have on

1 K. Shiber

2 to include. I was just passing along
3 what Cheryl had said to include. I
4 did not actually write the contents of
5 this letter.

6 Q. Did you speak with Nurse Verdi
7 before you e-mailed her this e-mail?

8 A. I believe so.

9 Q. And did you speak on the phone
10 or did you speak via text or any other
11 manner?

12 A. I believe we spoke on the phone.

13 Q. And can you tell me everything
14 you recall about that conversation?

15 A. What I recall is I had -- we had
16 caught up a bit as I hadn't spoken with
17 her since early July. I told her about
18 that I had been working at Centerview, and
19 I explained that I had been concerned
20 about maintaining my sleep schedule and to
21 avoid -- and generally being able to avoid
22 exacerbating my illness while meeting the
23 expectations at Centerview, and that I had
24 reached out to HR about potentially
25 seeking an accommodation, that they had

1 K. Shiber

2 put one in place. I told her my thoughts
3 about their suggestion. And I told her
4 that they had requested a letter from a
5 medical provider to support the
6 accommodations that they had put in place.

7 Q. And what were the thoughts about
8 their suggestion that you told Nurse
9 Verdi?

10 A. They were similar to the
11 thoughts that I told Cheryl and Tony when
12 they had -- after Cheryl had proposed the
13 accommodation, that I was worried about
14 the fact that the guardrails would need to
15 be communicated to my team. That meant
16 that I would be -- that every team member
17 that I worked with would know that there
18 was something different about me, would
19 know that there was something wrong with
20 me, and given the significant stigma of
21 mental and psychological illnesses, I
22 thought that they would treat me
23 differently or look down upon me, and --

24 Q. And --

25 A. And I thought that that was not

1 K. Shiber

2 necessarily the only solution.

3 Q. And what did you think was
4 another solution?

5 A. I didn't have a specific other
6 solution in mind.

7 Q. Where did Ms. Robinson first get
8 the understanding that you required eight
9 to nine hours of sleep on a consistent
10 basis?

11 A. I don't know where she first got
12 that understanding.

13 Q. Well, she did get it from you;
14 correct?

15 A. I don't know.

16 Q. Let's look at Exhibit 9. Let's
17 look again at Shiber 108.

18 A. That's not Exhibit 9.

19 Q. Exhibit 8, the timeline.

20 Okay. So we read this bullet
21 point before, but the second full bullet
22 point from the top of Shiber 108, you
23 explained, "I told her that" -- and to be
24 clear, this is in your initial meeting
25 with Ms. Robinson on August 28; correct?

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2 A. Initial meeting on August 28,
3 yes.

4 Q. And during that initial meeting
5 on August 28, you told Ms. Robinson you
6 had a medical disability which, for
7 healthy management, required eight to nine
8 hours of sleep per night and that ideally
9 would have a somewhat consistent sleep
10 schedule; correct?

11 A. Yes.

12 Q. So Ms. Robinson got this idea
13 that you required eight to nine hours of
14 medical --

15 MS. SKIBITSKY: Strike that.

16 Q. Ms. Robinson got this idea that
17 you required eight to nine hours of sleep
18 per night from you; correct?

19 A. I told her that.

20 Q. And did you ever propose any
21 other accommodation to Ms. Robinson or
22 anyone at Centerview that was different
23 from the guardrails approach?

24 A. I didn't propose any specific
25 accommodations at all.

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2 Q. Did you propose any general
3 accommodations or any thoughts about
4 accommodations?

5 A. I did not propose any general
6 accommodations.

7 Q. What other accommodations would
8 have been sufficient?

9 MR. HELLER: Objection.

10 THE WITNESS: I can't say.

11 Q. You have no idea of any
12 accommodations that might allow you to
13 sleep eight to nine hours on a somewhat
14 consistent schedule?

15 A. I personally don't have any
16 specific accommodations in mind.

17 Q. Are you aware of the possibility
18 of any accommodations other than that
19 which Ms. Robinson proposed that might
20 allow you to sleep eight to nine hours per
21 night on a somewhat consistent basis?

22 A. Yes.

23 Q. What would that have been?

24 A. I can't say what it would have
25 been. I think there's a broad range of

1 K. Shiber

2 Cheryl called me and suggested her idea of
3 the accommodations, which were that she
4 put up guardrails such that I would be
5 able to have eight hours of sleep each
6 night".

7 Do you see that?

8 A. Yes.

9 Q. Okay.

10 And then you explained, "I
11 immediately said that I was not in favor
12 of this plan".

13 Do you see that?

14 A. Yes.

15 Q. "I did not want my team to know
16 about the situation, as I was concerned
17 they would view my differently due to the
18 stigmas around having a disability as well
19 as the general 'suck it up' nature of the
20 financial industry"; correct?

21 A. Yes.

22 Q. And she stated that, in order
23 for such boundaries to be respected, my
24 team would have to be made aware of them.

25 Do you see that?

1 K. Shiber

2 A. Yes.

3 Q. "I repeated to Cheryl multiple
4 times that I was not comfortable with this
5 and did not want it to affect what deals I
6 was staffed on or the opportunities and
7 experiences I was exposed to at the firm".

8 Do you see that?

9 A. Yes.

10 Q. And then you write, "she", being
11 Cheryl, "suggested that we have a call
12 with a senior banker show could offer
13 input from the banker side of things".

14 Do you see that?

15 A. Yes.

16 Q. And so that recommendation from
17 Ms. Robinson to have a call with a senior
18 banker who could offer input was in
19 response to your statements that you did
20 not want your team to know about the
21 situation; correct?

22 A. In response to that and also in
23 response to my concerns about the deals
24 I'm staffed on, opportunities and
25 experiences that I had in my growth at the

1 K. Shiber

2 firm.

3 Q. Okay.

4 And so Ms. Robinson, hearing
5 your concerns, suggested Tony Kim and said
6 he was a good resource for this type of
7 thing; correct?

8 A. Yes.

9 Q. And so you subsequently did have
10 a call with Ms. Robinson and Tony Kim;
11 right?

12 A. Yes.

13 Q. And that phone call, did that
14 occur the same day, August 28?

15 A. I don't recall the exact date.

16 Q. Okay.

17 And then you wrote, "shortly
18 after that, the three of us had a phone
19 call. Tony stated that he was not
20 speaking as the partner who happened to be
21 on my deal team but rather in his capacity
22 handling various administrative things at
23 the firm. Tony listened to my concerns
24 about not wanting my disability to limit
25 my professional career. He said that the

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2 through a series of discussions that you
3 had with Ms. Robinson and/or Mr. Kim while
4 you were at Centerview.

5 Do you recall any aspect of
6 those discussions or conversations that's
7 not memorialized here in your bullet
8 points?

9 A. (Reviewing).

10 Yes.

11 Q. What is it that you recall
12 that's not memorialized here?

13 A. I recall that Tony stated that
14 he could take me off of the deal that I
15 was currently working on.

16 Q. And what was your response to
17 Tony stating that?

18 A. That I did not want Tony to do
19 that.

20 Q. Why did you not want Tony to do
21 that?

22 A. At the time I felt like if he
23 took me off the deal, that the other
24 members of the deal team would perceive me
25 as being incompetent and I was afraid that

1 K. Shiber

2 receiving assurances from Kim that
3 there were a lot of reasons why
4 someone might not be available at a
5 certain time, that this wouldn't
6 immediately expose that I had a
7 disability to my team, yes, I realized
8 that to put in place the specific
9 accommodations they had proposed and
10 have my team respect those boundaries,
11 then the team would have to be made
12 aware of them. So yes, after that
13 conversation, I changed my mind.

14 Q. Ms. Shiber, you have an
15 Instagram, a page for your artwork;
16 correct?

17 A. Yes.

18 Q. And is that handle
19 @kathrynshiber?

20 A. Yes.

21 Q. When did you first create that
22 Instagram page?

23 A. I don't recall when it was first
24 created.

25 Q. Was it before you joined

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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